

**ORDINANCE NO.**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A COST REIMBURSEMENT AGREEMENT WITH PEARSON PLACE AT AVERY RANCH, LTD., FOR CONSTRUCTION OF 12 AND 24-INCH GRAVITY WASTEWATER MAINS AND APPURTENANCES, AND A WASTEWATER LIFT STATION AND FORCE MAIN TO SERVE THE PEARSON PLACE SUBDIVISION; AND WAIVING CERTAIN REQUIREMENTS OF SECTIONS 25-9-61, 25-9-62, 25-9-63, AND 25-9-67 OF THE CITY CODE RELATING TO COST REIMBURSEMENT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** This ordinance applies to an application for cost reimbursement under City Code Chapter 25-9, Article 1, Division 2, Subpart B (*Cost Reimbursement And Cost Participation*) by Pearson Place at Avery Ranch, Ltd. for construction of 12 and 24-inch gravity wastewater mains and appurtenances, and a wastewater lift station and force main to serve the proposed Pearson Place Subdivision located between Avery Ranch Boulevard on the north, FM 620/State Highway 45 on the south and the Davis Springs Subdivision on the west.

**PART 2.** The council authorizes the city manager to negotiate and execute a cost reimbursement agreement with Pearson Place at Avery Ranch Ltd., in accordance with the following requirements:

- (A) Total cost reimbursement may not exceed \$2,131,677.19.
- (B) For the 12-inch gravity wastewater main and appurtenances:
  - (1) Total cost reimbursement may not exceed \$122,958.00.
  - (2) Cost reimbursement for actual construction costs may not exceed the lesser of:
    - (a) that amount equal to 33 percent of actual construction costs of the 12-inch gravity wastewater main and appurtenances; or
    - (b) \$106,920.00.

1 (3) Cost reimbursement for engineering, design, and project management  
2 of the 12-inch gravity wastewater main and appurtenances may not  
3 exceed the lesser of:

4 (a) 15 percent of the reimbursable amount of the actual  
5 construction costs of the 12-inch gravity wastewater main and  
6 appurtenances as calculated according to Part 2(B)(2)(a) above;  
7 or

8 (b) \$16,038.00.

9 (C) For the 24-inch gravity wastewater main and appurtenances:

10 (1) Total cost reimbursement may not exceed \$948,750.00.

11 (2) Cost reimbursement for actual construction costs may not exceed  
12 \$825,000.

13 (3) Cost reimbursement for engineering, design, and project management  
14 of the 24-inch gravity wastewater main and appurtenances may not  
15 exceed the lesser of:

16 (a) 15 percent of the actual construction costs; or

17 (b) \$123,750.00.

18 (D) For the wastewater lift station, force main and appurtenances:

19 (1) Total cost reimbursement may not exceed \$1,059,969.19; and

20 (2) Cost reimbursement for actual construction costs may not exceed the  
21 lesser of:

22 (a) 57.39 percent of actual construction costs; or

23 (b) \$921,712.09.

24 (3) Cost reimbursement for engineering, design, and project management  
25 may not exceed the lesser of:

26 (a) 15 percent of the reimbursable actual construction costs of the  
27 wastewater lift station, force main and appurtenances as  
28 calculated according to Part 2(D)(2)(a) above; or

(b) \$138,257.10.

**PART 3.** The council waives:

- (A) the requirement of Section 25-9-61 (*Eligible Projects*) of the City Code prescribing maximum cost reimbursement for an eligible facility;
- (B) the requirement of Section 25-9-62 (*Amount of Cost Participation*) of the City Code regarding computation of cost participation for actual construction costs;
- (C) the requirement of Section 25-9-63 (*Amount of Cost Reimbursement*) of the City Code that cost reimbursement be limited to actual construction costs; and
- (D) the provision of Section 25-9-67 (*Cost Participation and Cost Reimbursement Payment*) of the City Code prescribing the date for a cost reimbursement payment.

**PART 4.** This ordinance takes effect on \_\_\_\_\_, 2009.

**PASSED AND APPROVED**

\_\_\_\_\_, 2009      § \_\_\_\_\_  
   § \_\_\_\_\_  
   § \_\_\_\_\_

Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_

David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_

Shirley A. Gentry  
City Clerk